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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CUI YING TONG,  
  
Defendant.

Case No. CR 08-00471 JW

STIPULATION AND [PROPOSED]  
ORDER CONTINUING HEARING DATE  
AND EXCLUDING TIME UNDER THE  
SPEEDY TRIAL ACT

The undersigned parties respectfully request that the initial appearance scheduled for October 20, 2008 at 1:30 p.m. be continued to November 10, 2008 at 1:30 p.m. The reason for the continuance is that the parties are negotiating a disposition of the case, and need additional time to finalize a plea agreement. In addition, defense counsel needs to complete his investigation of the case. The parties agree and stipulate that a waiver of time under the Speedy Trial Act from October 20, 2008 to November 10, 2008 is appropriate. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of defense counsel.

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STIPULATION AND [PROPOSED] ORDER  
No. CR 08-00471 JW

1 SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

2 Dated: 10/16/08

/s/

3 SUSAN KNIGHT  
Assistant United States Attorney

4 Dated: 10/16/08

/s/


5 PETER JOHNSON  
Attorney for Defendant Tong

6  
7 Accordingly, the Court HEREBY ORDERS that the initial appearance is continued to  
8 October 20, 2008 at 1:30 p.m.

9 For good cause shown, the Court FURTHER ORDERS that time be excluded under the  
10 Speedy Trial Act from October 20, 2008 to November 10, 2008. The Court finds, based on the  
11 aforementioned reasons, that the ends of justice served by granting the requested continuance  
12 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant  
13 the requested continuance would deny defendant reasonable time necessary to reach a  
14 satisfactory plea agreement and would thus result in a miscarriage of justice. The Court therefore  
15 concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and  
16 (B)(i).

17 SO ORDERED.

18  
19 DATED: October 17, 2008

  
20 JAMES WARE  
United States District Judge